

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PT. BANK NEGARA INDONESIA (PERSERO)  
TBK.,

Plaintiff,

v.

BARCLAYS BANK PLC and BARCLAYS  
CAPITAL INC.,

Defendants.

Case No. 10 Civ. 8851 (LBS)

**DEFENDANTS' NOTICE OF MOTION TO DISMISS  
THE FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE THAT, for all the reasons set forth in the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the First Amended Complaint, Defendants Barclays Bank PLC and Barclays Capital Inc. (collectively, "Defendants"), by and through their counsel, hereby move under Federal Rules of Civil Procedure 8(a), 9(b), 12(b)(1), and 12(b)(6) for the Court to dismiss Plaintiffs' First Amended Complaint. Defendants move for the first four claims of the Amended Complaint to be dismissed with prejudice, based on their failure to state a claim and the futility of any further amendment. Defendants move for the fifth through seventh claims to be dismissed without prejudice, based on the inappropriateness of the Court exercising supplemental jurisdiction over those claims. Defendants move for the eighth claim to be dismissed without prejudice, based on its lack of ripeness, and the inappropriateness of the Court exercising supplemental jurisdiction over or issuing a declaratory judgment on that claim. As required by the Individual Practices of Judge Sand, Rule 2(D), the First Amended Complaint is annexed to this motion as Exhibit 1.

Returnable July 14, 2011 at 2:15 PM in courtroom 15-A before the Honorable Leonard B. Sand.

Dated: New York, New York  
May 6, 2011

Respectfully submitted,

/s/ Linda Regis-Hallinan

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